

Message Text

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ORIGIN DLOS-02

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C O N F I D E N T I A L STATE 159170

LIMDIS - FOR AMB

E.O. 11652:GDS

TAGS: PLOS

SUBJECT: LOS: TALKING POINTS PASSED TO AMBASSADOR
DOBRYNIN

1. THERE FOLLOWS IN PARAGRAPH 2 TALKING POINTS AMBASSADOR
RICHARDSON PASSED TO AMBASSADOR DOBRYNIN ON JUNE 20:
2. (1) ONE OF THE KEY OUTSTANDING ISSUES BEFORE THE LAW
OF THE SEA CONFERENCE IS THE DEFINITION OF THE OUTER LIMIT
OF THE CONTINENTAL MARGIN WHERE IT EXTENDS BEYOND 200 MILES
FROM SHORE AND WHERE THE COASTAL STATE WOULD EXERCISE RE-
SOURCE JURISDICTION. THE COASTAL STATES WHICH HAVE BROAD
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CONTINENTAL MARGINS, INCLUDING ARGENTINA, AUSTRALIA, GREAT
BRITAIN, INDIA, NEW ZEALAND, AND THE UNITED STATES, AS WELL
AS MANY OTHER NATIONS WITH BOTH BROAD AND NARROW MARGINS,
HAVE SUPPORTED THE SO-CALLED IRISH FORMULA WHICH IS
SCIENTIFICALLY SOUND, LEGALLY DEFENSIBLE, AND POLITICALLY
REALISTIC. INDEED, A PACKAGE WAS EMERGING AT THE LAST
SESSION WHICH INCLUDED THE IRISH FORMULA, COUPLED WITH REV-

ENUE SHARING FROM EXPLOITATION OF MINERAL RESOURCES BEYOND 200 MILES. A GREAT MANY LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES AND MANY OTHER DEVELOPING COUNTRIES SEEMED READY TO ACCEPT THE IRISH FORMULA PROVIDED THAT THEY WOULD BENEFIT FROM A SATISFACTORY ARRANGEMENT FOR REVENUE SHARING.

THE USSR MADE A NEW SUGGESTION IN GENEVA WHICH WOULD LIMIT COASTAL STATE JURISDICTION REGARDING THE CONTINENTAL MARGIN TO A MAXIMUM OF 300 MILES FROM SHORE. THIS PROPOSAL DID NOT SPECIFY HOW IT WOULD DEFINE THE OUTER EDGE OF THE MARGIN BETWEEN 200 AND 300 MILES FROM SHORE ALTHOUGH THE USSR INDICATED THAT IT MIGHT UTILIZE THE IRISH FORMULA.

THE UNITED STATES HAS THREE MAJOR CONCERNS WITH THE USSR PROPOSAL: (1) IT HAS NO CHANCE OF PRODUCING A CONSENSUS GIVEN THE STRONG OPPOSITION OF KEY BROAD MARGIN STATES; (2) COMPROMISE OF THE CONTINENTAL MARGIN ISSUE IS CRUCIAL TO THE RESOLUTION OF THE OTHER EXCLUSIVE ECONOMIC ZONE ISSUES TO WHICH IT HAS BEEN LINKED BY KEY BROAD MARGIN STATES; AND (3) DEFINING THE MARGIN BY DRAWING AN ARBITRARY LINE IN THE OCEAN UNRELATED TO THE GEOMORPHOLOGICAL CHARACTERISTICS OF THE MARGIN COULD VERY LIKELY LEAD TO CLAIMS OF JURISDICTION OVER SUPERJACENT WATERS.

THE USSR HAS ASSURED US AND OTHERS THAT ITS SUGGESTION REGARDING THE CONTINENTAL MARGIN WAS PUT FORWARD IN ORDER
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TO PROMOTE COMPROMISE. SINCE IT IS NOW APPARENT THAT THE PROPOSAL CANNOT ACHIEVE THIS END, THE UNITED STATES HOPES THAT THE USSR WILL NOT PURSUE IT AT THE RESUMED SEVENTH SESSION IN AUGUST.

(2) AT THE SIXTH SESSION OF THE LAW OF THE SEA CONFERENCE THE USSR AND THE UNITED STATES PARTICIPATED IN NEGOTIATING IMPROVEMENTS IN THE PROVISIONS DEALING WITH THE HIGH SEAS FREEDOMS OF NAVIGATION AND OVERFLIGHT AND OTHER FREEDOMS IN THE EXCLUSIVE ECONOMIC ZONE. ALTHOUGH THE UNITED STATES BELIEVES THAT THESE PROVISIONS, WHICH ARE CONTAINED IN THE INFORMAL COMPOSITE NEGOTIATING TEXT, ARE ADEQUATE, WE NEVERTHELESS SUPPORT THE AMENDMENT PROPOSED BY THE USSR WHICH WOULD EXPLICITLY STATE THAT NO STATE MAY VALIDLY PURPORT TO EXERCISE SOVEREIGNTY OVER THE EXCLUSIVE ECONOMIC ZONE. THE UNITED STATES BELIEVES THAT THIS IS THE RESULT IN ANY EVENT UNDER THE ICNT AS CURRENTLY DRAFTED. WE ARE CONCERNED, HOWEVER, THAT STRONG PRESSURE ON BEHALF OF THIS AMENDMENT MAY HAVE ADVERSE CONSEQUENCES. THE AMENDMENT MAY FAIL, AND, IF IT DID, OUR INSISTENCE THAT THE ABSENCE OF COASTAL STATE SOVEREIGNTY IS THE NECESSARY LEGAL RESULT OF THE PRESENT LANGUAGE WHICH WOULD BE UNDERCUT. MOREOVER,

THE ATTEMPT TO REOPEN LAST YEAR'S COMPROMISE MIGHT LEAD TO ITS UNRAVELING.

THIS IS A MATTER AS TO WHICH IT IS PLAINLY DESIRABLE THAT THE USSR AND THE UNITED STATES SHOULD COOPERATE CLOSELY. IT IS EVIDENT, HOWEVER, THAT WE DO NOT AT THE MOMENT SEE IT IN THE SAME WAY. THE UNITED STATES REGARDS IT AS IMPORTANT THAT OUR TWO DELEGATIONS TRY TO RECONCILE OUR DIFFERENCES ON THIS SUBJECT.

(3) THE OCEANOGRAPHERS AND MARINE BIOLOGISTS OF BOTH OUR COUNTRIES SHARE A COMMON VIEWPOINT REGARDING THE NEED TO MINIMIZE THE POWER OF COASTAL STATES TO IMPEDE LEGITIMATE MARINE SCIENTIFIC RESEARCH. ALTHOUGH IT IS NOW TOO LATE TO CONFIDENTIAL

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ELIMINATE THE BASIC THRUST OF THE INFORMAL COMPOSITE NEGOTIATING TEXT REGARDING COASTAL STATE CONSENT, THERE IS ROOM WITHIN ITS BASIC FRAMEWORK TO MAKE THE TEXT LESS AMBIGUOUS AND, AS A CONSEQUENCE, LESS PRONE TO UNNECESSARILY RESTRICTIVE INTERPRETATION. THE UNITED STATES IS PREPARING CLARIFYING AMENDMENTS WHICH IT PROPOSES TO INTRODUCE AT THE RESUMED SESSION IN AUGUST.

THE UNITED STATES IS NOT AWARE OF ANY NON-SCIENTIFIC CONSIDERATIONS WHICH WOULD LEAD THE USSR OR OURSELVES TO FAVOR THE RESTRICTION OF MARINE SCIENTIFIC RESEARCH. WE THEREFORE HOPE THAT BETWEEN NOW AND THE RESUMPTION OF THE SEVENTH SESSION IT WILL BE POSSIBLE TO DEVELOP A CONSISTENT APPROACH TO OUR COMMON INTERESTS IN THIS SUBJECT.

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